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REMARKS

BY

William Forbes **Advocat,**

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ON A

Scurrilous, Erroneous, and Pedantick
PAMPHLET, Entituled, *Some*
Charitable Observations on his late Treatise
of CHURCH-LANDS and TITHES;
By the Author of the Reformed Bishop,
under the Vizard of a Moderat Son of
the Church of *England*.

Nugæ in ore Sacerdotis, Blasphemie.

EDINBURGH,

Printed by the Heirs and Successors of *Andrew*
Anderson, Printer to the Queen's Most
Excellent Majesty. And to be Sold at *John*
Vallange's Shop, on the North-side of the
Street, a little above the Cross, *Anno*
DOM. 1706.



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PAMPHLET,

ENTITULED,

Some Charitable Observations on Mr.
*Forbe's Treatise of Church-Lands and
 Tithes, &c.*

MY Treatise of Church-Lands and Tithes no sooner peep'd abroad, than I sent a Copy to the universally Learned *William* Lord Bishop of *Carlisle*, with a Letter desiring him to acquaint me frankly what he thought a miss, and defective. To which that great Man, without noticing any Faults, or Mistakes, return'd a most kind obliging Answer, approving of the Performance. But an ordinary Clergy Man of Inferior Abilities, and less Interest in Tithes, hath proceeded further without, than the said Eminent Prelat did

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with a Commission. I mean Mr. *James Gordon*, Parson of *Banchrie*, who Penned the *Reformed Bishop*, of which Book a Merry Gentleman gave to the Author himself this Riming Character,

*If your Book had ne're been seen,
You had been Bishop of Aberdeen ;*

And,

*If you had been Bishop of Aberdeen,
Your Book had ne're been seen.*

For the aspiring Author finding himself balked in his Expectation of a Bishoprick, (after using all diligence to procure it) fell a Railing at the Grapes because out of his reach, and Lampoon'd the Ecclesiastical Peerage. This Parson (who for all his *quondam* pretences to the Reforming of Prelacy, was never worthy to carry the Bishop of *Carlile's* Books) hath been pleas'd to Honour my Treatise of Church-Lands and Tithes so far, as to publish under the vizard of a Moderat Son of the Church of *England*, a long Scurrilous, Erroneous and Pedantick Pamphlet by way of some Charitable Observations thereon. Where he furiously attacks me in many places of my Book, with the hard Names of Pride, Tautology, Ignorance, Bigotry, Lies, Mistakes, and what not : He calls me a Monachomastix, a Thrafonical Author ; He terms my Principles sandy Foundations, and my Arguments Pigmean puffs, silly Paralogisms, a Fools Coat, *Crambe Recocta*, a new Tout in an old Horn. Altho', with Reverence to his Character, these odious Epithets may be as properly

properly apply'd to his Worship; As will appear from the subsequent Cursory Remarks. and *Turpe est doctori, cum culpa redarguit ipsum.* But since Railing is not Reasoning, and none are so bitter upon others as those who have not one grain of Wit, Worth, or good Nature themselves: I'm no more vext at his Reproach, than I would be proud of his Commendation. And why should I be offended at any hard Names this Mercurial Observator gives me, when he presumes to call a much better Man (a), an *Emissary of the Socini*, and the account of his Travels, *Unaccountable Romances* (b); When he loads all Heretors of the Nation with the Guilt of *Simony* (c); calls *Milton* a blind Bayard (d), a *Polyphemus* that spit venom as naturally as any Toad against Church and State (e), and both him and *Selden* *Boutfeus* (f), *Brethren in Evil*, Members of that *Infernal Cabal*, which did promote with all their might a *Schism* in the Church, and *Sedition* in the State, that they might roast their Eggs when both were set on Fire (g); And is pleas'd to bestow the odious attributes of a perfidious *Judas* and *Ahitophel*, upon that great Lawyer *Mr Thomas Hope*, Advocate to King *Charles* the first, whom he charges with the Ruine of his *Royal Master*, and of both Church and State (h).

I might out of a just Indignation at confident Nonsense, and malicious Calumny, have contented my self to Confute my Antagonist's

(a) The B. of *Sarum*. (b) Pag. 52. (c) pag. 9.
(d) pag. 31. (e) pag. 58. (f) pag. 57. (g) pag. 58.
(h) pag. 100, 101.

silly Observations, as that Ignorant Zealot cited by himself (*a*), did *Bellarmin's Works*, by Writing upon every Page *mentiris Personæ*. But lest he should thereby take occasion to boast, after his way, that I politically slighted, what I could not Answer; I have more particularly Examined 'em, and that in much less time than the fond Observator allowed me to frame an Answer (*b*). Mean while, it is not to be expected that I should be at pains to Trace him through all his tedious Ramblings, and Impertinent Digressions; Or to notice every false Step he makes; All I propose, is only to Animadvert briefly upon what he advances directly in opposition to things asserted in my Book; Leaving the other impertinent Swatches of Historical Error, and Heterodox Divinity, to be Answered by himself, when he attains to more Sense and Solidity, than hitherto hath been observed in him, for all the Observations he hath Written.

The Pamphleter has given himself the trouble in his Notes upon several places in my Book, to set down what he thought might have been added (*c*). Which Learned Observations argue him to be one of those, who in the handling of any Subject, Discourse of all they know *sine delectu*, and more than they know exactly. His long-winded and Impertinent Digressions would cure any Man of the

(*a*) Pag. 53. (*b*) pag. 87. I suppose it will cost our Author at least one whole Vacation to frame a pertinent Answer, &c. (*c*) pag. 2, 3, 4, 8, 9, 10, 11, 26, 33, 34, 103.

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Leachery of Reading: For having more Learning than his weak Noddle is able to carry, he drops it on all occasions without Discretion. It would make a Stoick forget his Gravity, and laugh outright, to see this formal Fop distribute his Blows at random, like the blindfolded *Andabatae*; Or rather as a second *Don Quixot* doughtily Fighting with himself, and his own Wind Mills; As if he were all the while demolishing Pyramids raised by me, or Impugning some position in my Book. Which brings to Mind *Niceta's* Madman of *Constantinople*, who fancied he was killing Serpents, when he was breaking his own Pitchers.

One may be allowed to say, that the Pamphlet doth sometimes bely the Title on't. For what can be more Uncharitable than to misinterpret innocent Endeavours to clear up the dark Subject of Tithes, as an Infernal Design to undermine the Church, no less Criminal than the Gun Powder Plot (*a*): And to tax me with Disingenuity, and an Intention to Impose upon simple Readers (*b*): Objections as hard to be Answered as they are to be made good; unless we could see into the Hearts of Men.

Pag. 2. The Observator desiderats in my account of *Simeon Stylites*, how the Bishop of the Diocese behav'd towards *Daniel Stylita* his Successor by breaking his Chain, and diverting him from the design of reacting *Simeons* Exercises. But my Intention was only

to adduce *Simeon Stylites* as a singular Instance of Unaccountable Mortification, and not to Exhaust my Readers patience with all that might be said about him : otherways I should also have given an account of his *English Rival Simeon Stock*, who got his Sirname from Living in the Trunk of a Hollow Tree.

Pag. 3. The Observator is pleas'd to deny the *Trinity Friars*, or *Mathurins*, to have been a kind of *Mendicants* ; Alledging, that there were but Four Orders of Begging Friars ; And that the *Mathurins* were most usually termed the Order of Charity, or *Fratres Misericordiae*. 'Tis true, the *Carmelites*, *Dominicans*, *Franciscans*, and *Augustinians*, were the Four principal Sorts of Begging Friars : But the *Mathurins* were also *Religieux* of the same Kindney. And I could yet tell the peevish Pamphleter, of a Sixth and Seventh Order of *Mendicants*, viz. The *Bonhommes* and *Crouch-Friars*. For, as *Hospinian* observes, (a) The *Medicant* Orders multiplied to that Degree, as 23 of 'em were condemn'd by Pope Gregory 10. Yea, if he will not be offended, all Friars were *Mendicants*, by their Institution having nothing either in Property or in Common. (b) As the Pamphleter is unreasonable to deny, that the *Mathurins* were Begging Friars : So he is mistaken, when he would have 'em to go under the Character of the Order of

(a) *De Origine Monachatus*, Lib. 6. Cap. 1. (b) *Vid. Fallers Church History of Britain*, Lib. 6. And the Appendix to B. *Spotswood's Church History*.

Charity, or *Fratres Misericordiae*. For these were Persons that made it their Business to look after the Sick, and bury the Dead, and were called *Cellarii* : Whereas the *Trinity Friars* did Beg for the Ransoming of Christian Captives, and were thence termed the Order *de Redemptione Captivorum*.

Ibid. The Observator says, That, when I tell how Missionaries introduce themselves under the Character of Physicians, *China* should have been excepted, where they are introduced under the Notion of Mathematicians. Those who read the Passage, as it is set down in my Book, P. 16. will find no reason for such an Exception ; Albeit it were true, that the Missionaries in *China* do pass for Mathematicians. But then *L. Morery*, in his Historical Dictionary, relates, that always some of the Missionaries practis'd Physick, partly to oblige the great Men to defend 'em against the Insults of Hereticks, partly to introduce themselves the better by the innocent Artifice of Healing the Body, in order to Cure the Soul ; Without making mention, that any of 'em go under the Cover of Mathematicians.

P. 4. *in fin.* My Diction is quarrell'd for speaking of Presentations considered as a Popish Custom ; As it, by a Popish Custom, something contradistinct to Protestant Principles were not understood. Besides, the Act of Parliament 1649 is just so worded. P. 33. I'm told how that Passage in my Book concerning *Charles the 5th's* bestowing the Isle of *Malta*

Malta upon the Knights of St. John, might have been better worded. But I'm so dull, that I cannot see the Excellency the Pamphleter imagines in his Paraphrase. P. 101. The Pamphleter useth *Compost*, as more proper than my course Word *Muck*. But since he has so nice a Taste for proper Language, I hope it shall not offend him, to give here a Swatch of his Snarling Oratory, and affected Imbellishments of Expression, such as these. Unless his Intellectuals have become too much darkened by a True-Blue Cloud. (a) Many who were in Bonis did imitate, &c. (b) Churches invested with that Ecclesiastick Garment of Tithes. (c) Without requiring any Reddendum for the Dominium Utile. (d) 'Tis a strange Anistoresia, unless we understand him per Antiphrasin. (e) One of these Coul-Men, with his Pen-Knife in his Hand, Nibbling at the impregnable Rock, which is the Base of Doctor Forbes's Position, without the least Deduction of one Atome from it, and without the least Convulsion in his Conclusion. (f) To appear upon the Stage with a Fools Coat, I mean pitiful wretched Arguments. (g) Thus I have set down his Mind Verbatim. (h) His Jo pæan. (i) Half-bend Protestants. (k) Before we make a direct Aspect upon his Ovation and Triumph. (l) That bad, with a Pigmæan Puff, blown away the Generality of the Canonists. (m) A precarious Linscy-Wolsey Vow. (n) He was afraid, (his Fugitive

(a) Pag. 4. (b) pag. 6 (c) pag. 31. (d) pag. 33
(e) pag. 36. (f) pag. 38. (g) pag. 39. (h) pag. 47
(i) pag. 47, 53. (k) pag. 48. (l) Ibid. (m) Ibid.
(n) pag. 57.

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Hector being vanished out of Sight) that an Achilles should seize upon this Succedaneous Combatant, and also drag him somewhat ignominiously about the Walls of the City. (a) The Poet hath determined the Controversie in few Words, Et quia non potuit indeclinabile mansit. (b) His non datur ultra being fix'd at his Hercules Pillars. (c) As for the lesser Pyramids, or rather Mole-Hills about them, we shall, by and by, dispatch them, how soon we have blown up that confused Mass, which he imagines an Aërial Heaven, and that without the Assistance of any more Hercules's. (d) Silly Seconds unworthy to appear in the Field of Truth, or any Pretenders to it, especially in the Case of, &c. (e) Suppose a Cloud of these Witnesses should fall at once upon him, and that with such a strange Current too, as the Black Sea flows into the Mediterranean, and this into the Atlantick Ocean, and this Mare del Nort into Mare del Zur, yet this second Atlas appears to have Confidence enough to support his Castles in the Aërial Heaven. (f) He did erect a Thema Cœli at the Nativity of a Child, and therein found, that Medusa's Head was culminating in the Cusp of the Tent House. (g) I judge all such new Judges, that are altogether ignorant of the Old Canon Law, as Feral Birds Fluttering upon the Ground, for want of Wings to flee up to the Bench. (h) A Panacea, A Panchreston, and Catapantical Remedy for all those Maladies. (i) These and the like Rhetorical Flourishes, or Formalia Verba

(a) Ibid. (b) Ibid. (c) Ibid. (d) pag. 60. (e) Ibid. (f) Ibid. (g) pag. 75. (h) pag. 91. (i) pag. 98.

(to use the Observators set Form) are always interlarded with Scrapes of *Latin*, and frequently with very homely *Scots* Proverbs, (*a*) Sentences out of Ballads, (*b*) and out of *English* and Heathen Poets, adduced as Reasons, (*c*) or by way of Application, (*d*) by way of Decision, (*e*) by way of Intuition, (*f*) by way of Obtestation, (*g*) by way of Authority, (*h*) by way of Advice, (*i*) and by way of I know not what. Whereby he seems to be large as Conversant in Buffoonry, and the Pagan Theology, as in the Scriptures of Truth, or Sound Divinity. And if *Isoocrates* were alive this day to teach him Rhetorick, he'd exact twice as much of him, as of another Schollar: Since he wants first to be taught to speak, and then to hold his Tongue.

P. 6. *It passes the Observators Natural Understanding, how to Reduce Ecclesiastical Patronages to Roman Usurpation.* This is another Fling at the foresaid Passage of my Book, concerning Presentations being considered as a Popish Custom: Whereby he impugns the Narrative of the 39 Act Par: 1649. But if he have no Respect to that, I would have him only to consider, that Doctor *Forbes*, (*k*) whose Authority in another Case, (*l*) he seems to lay some weight on, insinuates, that Patronage was introduc'd *refrigeſcente vera pietate*, The

- (*a*) Pag. 31, 52, 53, 57, 76, 98, 103. (*b*) pag. 23.
 (*c*) pag. 24, 49. (*d*) pag. 39, 53, 61. (*e*) pag. 57.
 (*f*) pag. 60. (*g*) pag. 64. (*h*) *Ibid.* (*i*) pag. 76.
 (*k*) *Theol. Moral.* Part 2. Cap. 3. §. 3, (*l*) pag. 12.

Observator

Observator here contends, that Patronages were in use, for some Centuries of Years, before the Ambition of *Boniface 3*, in Conformity to the Maxim of the Canon Law, *Patronum faciunt Dos, Ædificatio, Fundus*. This indeed passeth my Comprehension; Since the Canon Law commenc'd but under Pope *Gregory 7*, who Reign'd not till a Matter of 467 Years after *Boniface*.

P. 7. The Authority of the General Assembly, and the Peoples Liberty in the Choice of their Pastor, are impugn'd as my other two Topicks against Ecclesiastical Patronage. But here the Battery is wrong directed, and the Powder and Shot spent in vain; For these were Topicks whereupon the Legislators proceeded to discharge Presentations in Anno 1649; As appears from the 39 Act of that Parliament, which I do but narrate: My Business being only to treat of Patronage Historico-Juridically, without entering upon the Objections usually made against it; Which yet I suppose would puzzle the Observator to Answer.

P. 9. He offers at the Retrieving and Reforming of the Priviledge of Patronage, after a previous good Tale of some Noble Patron he had the Honour to be acquainted with. (a) But I must tell him, that the Reformed Bishop, on another occasion, (b) wish'd, that Laick Patrons had not the Nomination of Incumbents. For that too many of 'em have

(a) Pag. 8. (b) The Reformed Bishop, pag. 98.

a Liquorish Appetite after the Sweetness of God's Bread.

Ibid. I am quarrelled for asserting, that *Malcolm Kenmuir* Disposed his Lands to his Subjects, &c. And justly, if *Kenmuir* had not been a Word that slip'd in through the Printers Oversight without my Knowledge. For the Original written Copy runs only thus, *When King Malcolm Disposed all his Lands to his Subjects, reserving only the Casualties of Ward and Marriage.* Which is exactly taken out of *Hope's* Minor Practicques, (a) without being more particular as to what *Malcolm* that was. Seing it is commonly known, that *Malcolm 2* made such a Disposition to his Subjects.

P. 10. I am charged with asserting *Murtblack* to be in *Angus*, and *Acbains* to have been King of the *Picts*. Both which, I own, are Typographick Errors: For *Acbains* was King of the *Scots*, and *Murtblack* lyes in the Shire of *Aberdeen*. And 'tis no wonder, that he noticeth some obvious Mistakes of the Press omitted out of the Printed List of *Errata*, who gives himself the Trouble to set down, by way of Observation, (b) what is actually there insert.

Ibid. The Observator injuriously makes me to say, (for I say no such thing) that the Church of *Dunkeld* was finished and Dedicated in the Year 1454, and magnificently Adorn'd Anno 1610; As if it had been Adorned 400 Years

(a) Tit. of Kirks and Benefices. (b) pag. 2.

before it was built. If this Critick could read to a Point, he would find, that the cited Passage runs thus, *Mr. Thomas Lauder Bishop of Dunkeld finished and Dedicated the Church in the Year 1454, and magnificently Adorn'd it.* And then begins a new Sentence, *Anno 1610, when Malcolm Kininmonth, &c.* Had I thought the Printers wrong Pointing would have stumbled any Person of common Sense; This should have been ranked among the *Errata*, for the Direction of such a *Davus* as I have to do with.

P. 11. & *seqq.* till the 17. The discontented Observator, in an Angry Mood, inveighs against the Act of Annexation, and what I say in Justification of it: But in such a way as deserves no Answer. Tho' he ought to Answer, for calling an Act of Parliament *Mischief established by a Law, (a) an Unhappy Act, (b) a Fatal Act, (c)* and Members of Parliament *a Pack of Sycophantick Self-Seekers, who intended nothing, but to have their Sacrilegious Robberies shelter'd under an Act of Parliament. (d)*

P. 18. & *seqq.* till the 24. A Monastick Life is extoll'd *ad nauseam*, as a mean to avoid the Temptations of the World, and desirable upon some inferior Accounts. Concerning which, I would put the Superstitious Observator in Mind, 1. That many Eminent Protestant Divines are of a contrary Opinion, thinking, that such as retire from Humane

(a) Pag. 11. (b) pag. 96, 100 (c) pag. 99. (d) pag. 113.

Converse to shun Temptations, thereby run themselves upon greater. Of which Saint *Hierom* may be an Instance, who, as the Observer confesses, thought sometimes upon the Dames of *Rome*, in his Solitudes of *Syria*. And 'tis a wise Saying in *Aristotle*, That he who affects to be alone, must be either a God, or a wild Beast, that is, must be under the Standart of Humane Nature, or above it. 23. If to get out of the Reach of Sinfull Temptations, were a good Reason for living without a Sociable Correspondence: Then *Origen's* Gelding himself to prevent Lustfull Inclinations, might be accounted for upon the like Ground.

P. 25. This conceited Sciolist of an Observer says, it seems that I have not reflected, that *Regiam Majestatem* was compiled by *Glanvil* an *English* Man, and never adopted as a part of our Law: When I infer the Necessity of the Kings Confirmation to Ecclesiastick Feus, from that Book. But he must consider, that *Regiam Majestatem*, altho' it doth something resemble *Glanvil's Regiam Potestatem*, is an Authentick Collection of our Laws. As is clear from several Acts of Parliament. (a) For it was compiled by Order of King *David* 1. out of a vast Number of Law Books, and authoriz'd by that Prince. And is commonly cited by our Lawyers. Here I beg leave to put the Pamphleter in Mind of an Observer

(a) Act 54, Par. 3: 7, 1. Act 48, Par. 6, Act 115 Par. 14. 7. 2.

tion of his own, (a) that when a Man goes out of his Element, he is ready to stumble.

Ibid. In stead of my Etymology of Mortification, Pious and Charitable Deeds are alledged to be so call'd, because made on Death-bed: As if, forsooth, no Body Mortified any thing in *Liege Poustie*.

P. 26. The Dogmatical Observator turns a Sceptick, and runs the wild Goose Chase in his Conjectures, what Pope *Innocent* it might be, who order'd the Erection of the Cathedral of *Murray*. But if he had considered, that *Bricius*, the then Bishop, who procur'd that Erection, was install'd in the See of *Murray*, *Anno* 1203, and died about the Year 1227; And that *Innocent* the 3^d late Pope from the 1198 till the 1216, he could not but find, that *Innocent* the Third, and not the Fourth, behov'd to be the Author of that Erection. Seing the latter did not mount the Papal Chair till the Year 1243. But having cited for what I advance concerning the Erection of the Cathedral of *Murray*, the Chartulary of that Bishoprick, the Observator had been wise to have spar'd his Annotations thereon, which only serve to inform the World, that he never saw that Ancient Record; And perhaps could not read it with the Help of his Spectacles.

Ibid. The Snarling Observator cavils at me, for asserting, that the payment of Tithes did not begin before the 400 Year of God. Which is indeed a Typographick Error, the 400 Year

of God being put for *the Fourth Century*: As any Candid Reader will perceive from the 228 Page of my Book, where it is said *in terminis*, that there was no certain payment of Tithes before the Fourth Century.

I having affirmed, upon the Authority of the Bishop of Sarum, (*a*) that the English date their Conversion from the Mission and Expedition of *Augustine* the Monk ; And *Alfred* was the first who pass a Law for the payment of Tithes there, *Ethelwolph's* Charter being a Forgery : And (*b*) having related, that the said Learned Prelate writes how *Peppin* began, and *Charles* the Great settled the payment of Tithes ; and other Princes generally followed their Example : This hath been so grating to my declared Opposer's tender Ears, that he mispends the Pages 27, 28, 29, 30, 31, and most of the 32, in confuting my Learned Voucher and me. But since he adduces no better Authority than his own, for what he advances to the contrary, I need not be at any Expense of Time to improve the same.

P. 32. The observing Parson insinuates, that I write *Persona & Vicarius*, in stead of *Parsona & Vicarius*. But I desire this Confident, I had almost said Impudent Dabbler, to shew me where he reads the Word *Parsona* in *Latin* : For I can shew him old Charters, Glossaries, and other Books, where *Persona* signifies a Par-

son. And tho' I don't set up for an Antiquary, I perceive whatever Antiquity of Knowledge he may have, his Knowledge in Antiquity is but Narrow and Superficial, Gliding upon the Out-side and Surface of Things.

P. 33. The Observator Crows over me in his Altitudes, for saying, that the Bishop of *Orkney* lost his Life in the Tithe-Quarrel; And, at the same time, notices, how I tell in another place, (*a*) that the Name of that Massacred Bishop was *Adam*. If he had been ingenuous, he would have added, that, in the forecited place, I reckon this *Adam* among the Bishops of *Caithness*; So that *Orkney* is but a Typographick Error for *Caithness*; As is further clear'd from the 346 Page of my Book,

P. 34. The Observator is Uppish again, to find me asserting, that the Vows of the Templars were not like those of the *Religieux*; In so far as that of Chastity did not tie them up to a single Life, but implied only Continence, which might have been observed in a Married State. What Reason he has to Question this, I shall not take pains now to Examine; But only let him know, that be it true or false, I am not to Answer for it: The same being only related by me, as it was Debated by the Advocats for the Laird of *Auchlossin* before the Lords, in the Reduction and Improbation at his Instance against the Possessors of some Temple-Lands. So that all the Observator's

(*a*) P. 79. of my Treatise of Church-Lands and Tithes
B 2 Arguments

Arguments and Reasoning upon the Head, like a Blind-Man's Staff thrown at *Random*, do miss and fly over the Object levell'd at.

P. 35, 36. I'm thought ill acquainted with *Roman History*, for asserting, that the Barbarous *Huns*, *Goths*, and *Vandals*, carried all before them in *Europe* in *Justinian's Time*. Altho' this is not only agreeable to the most approved Histories, but also the great Tithes-Champion Sir *Henry Spelman*, in his larger Treatise concerning Tithes, (a) gives the like Account of the Matter.

P. 36. The Observator, as great a Critick as he pretends to be, commits a great Blunder, by saying, that the Fifty Books of the *Digests* or *Pandects* comprehend the Imperial Constitutions, and shew *Justinian's* mighty Concern about the Priviledges of the Catholick Church. For the *Pandects*, however comprehensive the Word be, were only Extracted out of the many Volumes of the Ancient Lawyers; And the Imperial Constitutions were gathered into a separate Code, that goes under *Justinian's* Name. If the Transelemented Observer find himself out here, he may blame the not Adhering to his Principle of keeping within his own Sphere.

P. 37. & *seqq.* till the 91. The Zealous Observator, all along, in a Fretting and Forward Fit, applies himself with all his Art (and that is very little) to run down my Arguments against his great *Diana*, the Divine

Right of Tithes. Any thing advanced in my Book to that purpose, is but Excerpted *en passant* for the Contingency of the Matter, out of such Authors as had professedly handled the Argument more at large. Nor shall I be at pains to go through the Detail of his Notes upon the Doctrine of *Anti-Decimation*, so much blown upon already by abler Pens: He having but licked up the Refuse of their Vomit against *Selden*, and spued it out again in a more fulsome manner upon me. In stead of returning a full Answer to my Arguments, this mighty Man of Demonstration contents himself to Nibble at some particular Words or Sentences, and to Glean a little Rubbish out of Books, that's a confounded Pennance to any Judicious Reader; Without improving the Controversie by any new Topick of his own, worth the owning. Never had any Man such an Antagonist, as I have of him: For being Tickled with the Vain Itch of Dispute, he Debates only for Debates Sake, with soft Arguments and hard Words, tending more to provoke an *Anti-Decimator*, than to convince him. In a word, he manages the Point with more Zeal than Judgment or Discretion. But yet this Tithe-Champion, as if he had done Wonders, Struts like a Crow in a Gutter, and his Pride doth *culminat in the Cusp of the Tenth House*: He'll pardon the Bombast and Puffy Expression, since he knows whence I had it. (a)

(a) *Vid. infra* P. 75. and the Reformed Bishop, P. 12, 72.

P. 44. The Observator impugns, with an Air of Disdain, my Assertion, that the Priests and Levites had not, as our Church-Men, the Charge of Souls: As if the contrary were held forth in the Book of *Deuteronomy*, and the Prophecies of *Ezekiel* and *Malachy*. I don't pretend to Comment upon these Prophecies, but I appeal to that Book of *Deuteronomy*, or to the whole *Pentateuch*, if the Priests and Levites were not only Attendant on the Publick Service of God, without any such *Cura Animarum*, as our Church-Men have. For the Priests Business was only to burn Incense, offer Sacrifice, and read the Law in Publick; And to sound an Alarm in War, or an Assembly of the People and their Rulers. 'Twas the Office of the Levites in *Moses* Time, to take Care of the Tabernacles and Vessels thereof; And after the *Israelites* Settlement in the Promised Land, some of 'em got the Charge of the Treasures of the Temple, others were appointed to be Overseers and Judges; some were made Porters, and others appointed to be Singers.

Ibid. The Observator is a little prophane, to compare God's Choice of the Jews for his People, with *Socrates's* assuming *Xantippe* a Scold for his Wife.

P. 45. He says, when a Mathematician, Physician, or Man of Law, tho' pretty good at his own Profession, goes out of his Element, and Tamper with Divinity, he's found to stumble very ill. And gives particular Instances of some Blots in the Scutcheons of the
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Lord Napier of Marchistoun, a Famous Mathematician, Sir Thomas Brown an Eminent Physician, and the Spanish Don Diego Faxaido, &c. one well acquainted with the Civil and Canon Law; But *ne ȳpō quidem* of a Divine, that dives beyond his Depth, and Exceeds the Bounds of his Profession: Whom yet this Parson's Rambling, Wild Excentrick Blunders make it seem reasonable to bring within the Rule.

P. 47. I am term'd a Thraasonical Author. But whatever I be, he can hardly pass for a modest Man, who takes the Boldness to give a Defiance to all the Presbyterian World; (a) Censures many better Men than himself; (b) And talks so disrespectfully of Parliaments. (c)

Ibid. I'm tax'd with stating my self Vain-gloriously in Opposition to all the *English* Divines. I confess my Book (d) bears, that the *English* Divines are of Opinion, that Tithes, even as to the Proportion of a Tenth Part, are due *de Jure Divino*: But this is a Typographical Error, for I would only say, that some of the *English* Divines are of such a Sentiment; As is distinctly express'd in my Preface. So that for the Oblervator, who has certainly read that Preface, to load me with such an Assertion, is Disingenuity with a Witness. One may think strange, how it comes about, that this Wasplish Oblervator doth point at many pretended Errors in my Book, without taking notice of two Super-

(a) Pag. 82. (b) pag. 31, 52, 57, 58, 100, 101.
(c) pag. 11, 12, 96, 100. (d) pag. 276.

numerary Words, viz. *Seven Years*, which, thro' the Inadvertency of my *Amanuensis*, have crept into the Fourth Line of the Page 322, and been forgot with some others, (a) to be insert in the *Index of Errata*. As to the Opinions concerning the Divine Right of Tithes, in Kind and Quantity, I need not Instance, that the Learned Bishop of *Sarum* does not favour it: For this tam'd Flee, or Mr. Impudent, excepts against his Testimony, as one who has a Tincture of True-Blue, (b) and is not of the Tantivy-Set of High-Flyers. This boasted Ecclesiastick Title is not only called in Question by many Famous Protestant Divines, and the Generality of the School-Men, but also by Lowyers of the first Magnitude, such as the Viscount of *Stair*, (c) Mr. *Thomas Craig*, (d) and Sir *George Mackenzie*, (e) our Learned and Judicious Countrey-Men: Not to mention Forreigners. Yea seing our Law does expressly ordain Tithes to be Valued and Sold; The Preacher up of such a Divine Right in *Scotland* doth, in plain Terms, arraign our Acts of Parliament as Impious, and Sacrilegious Sanctions, and Heretors as Sacrilegious Persons: The one for intrometting with their own Tithes by virtue of a Valuation or Sale; And the other for allowing thereof.

P. 51. The angry Observator Rates me for maintaining, that no Tithes are payed to the

(a) As besides those above noticed, pag. 428 I. ult. of the Citations, 1679 is put for 1678. (b) pag. 52. (c) *Instit. Lib. 2. Tit. 8.* (d) *Feud. Lib. 1. Dieg. 13.* (e) *Instit. Lib. 2. Tit. 10. Observ. on the Act 29. Par. 11. 7. 6.*

Church in *Italy*, and as few in *Spain* : And makes a ridiculous and unmannerly Fling at my Episcopal Voucher, censuring his Account of *Spain*, for that he had never set his Foot there in all his Wanderings. And yet the Supercilious Critick, who was not so far Travelled himself, hath taken upon him to give a new Relation of the Conduct of Popish Missionaries in *China*, (*a*) a much remoter place. The Bishop of *Sarum* is too well known in the Learn'd World, to stand in need of my Vindication of him, from the injurious Aspersions of one whole Tongue is no Slander. Mean time, I would have the Observator to know, that Sir *Edward Sandys*, and the Learn'd *Thomassin* join Issue with me in asserting, that few or no Tithes are payed to the Church in *Italy*. And the Ingenious Author of the Snake in the Grass, (who hath managed the Argument for the Divine Right of Tithes more neatly than any that went before him) tells us, (*b*) *That the Popes have Infeodated the Tithes all over Italy to Secular Princes, in so much, that he was informed by an Understanding Gentleman, and a Roman Catholick who lived many Years in Rome, that there is not an Inch of Tithe now payed to the Church in all Italy. All is sold to the Laity, or appropriated to the Monks. And the like, tho' not in so great a Degree, is done in France, Spain, and other Popish Countries.* If this be not sufficient to stop the Mouth of an Insolent Ignorant, who reasons against so

(*a*) Pag. 3. (*b*) Essay concerning the Divine Right of Tithes, Sect. 10. Wclj

well attested Matter of Fact, without any Authority to bear him out in his Assertions ; I know not what is.

P. 39. My Assertion, That *Abraham's* payment of Tithes to *Melchisedeck* was partly a piece of Homage to him as King of *Salem*, &c. is impudently impugn'd as Contradictory to Scripture, and bordering upon Blasphemy. And yet St. *Paul* (*a*) seems to confirm the Position, in making the Reason of *Abraham's* paying Tithes to *Melchisedeck*, to be because he was a King.

Pag. 57. The Observator Dreams, that after the preliminary of more than two Pages of superfluous Discourse, he hath sufficiently Confuted my Assertion of *Jacob's* Vow being a Free-will Offering not founded on any precedent Tye, by the common Reply of all the Tithe-Champions, *viz.* It doth not follow that this was not *Jacob's* Duty, because he Vowed to do it, more than that he was at Liberty to serve God or no, because he Vowed if he returned in Safety, the Lord should be his God. But with the Parsons Good leave I must tell him the Reply is nought and unsatisfying. For *Jacob's* being under no preceeding Tye to pay Tithes, can as well be inferr'd from the Vow, as his Duty to pay them. And so the Argument for the jure-Divinity of Tithes from the Topick of that Patriarchs Practice, falls to the ground. The Pamphleter in his Railing fits says, I borrowed

the Exception against it from my two Dictators *Selden* and *Milton*; And that as the Latter was a Plagiary from the former; So I am from both. I must here help on the Charge against my self, and own, (tho my huffy Parson should like me still the worse for it) that I borrowed also some of my Arguments in this matter from the Learned Bishop of *Sarum*, whose Authority I value as much as he Contemns it. But at the same time it sets him very ill to call another a Plagiary, who never could justly Challenge any thing of a Book he publish'd as his own, but the Volatile part on't, and incoherent Method. This minds me of the Apologue of the Ancients, that all Men carry a Knap sack on each Shoulder, with their own fancied Vertues and Perfections in the Fore-pouch of that which hangs on the right Shoulder, and their own Faults and Imperfections in that which hangs behind their Backs; The Faults of other Men in the Fore-bag of that other Knap sack hanging on the left Shoulder, and their Vertues and Perfections in that behind. Intimating that we regard our own Vertues with our Neighbours Faults through a Magnifying Glass, and our Faults and the Vertues of others thro one that lessens the Object.

Pag. 63. & seqq. till 87. The Comical Observator carries on a Mock Nonsensical Altercation of Dialogue betwixt me as a Presbyterian, and the mix'd Company of a Jew (*a*), Anabaptist (*b*), A Christian Epi-

cure (a), A Quaker (b), An Independent (c), and himself as a Prelatist (d). Which, to say no worse of it, looks but simply in Print, and affords as little Reputation to him, as it doth Edification or Instruction to the Reader.

P.88. The Observator Contradicts me when I say that the Priests and Levites were vastly more numerous than our Clergy; Asserting that our Clergy Exceeds by some Thousands the Number of the Levites, whose Males reckoning from a Month old were but 22000, and such as were of Age and in Office only 8000 and some odds. I would only have this Pamphleter to consider how the Ministers of 900 Churches in *Scotland*, who cannot be thought to exceed at most the Number of 1000, may be supposed to exceed the foresaid Number of Levites?

Ibid. He Impugns me for asserting that the Priests and Levites lost a Twelfth of Property for a Tenth of Annual Increase: Not considering that tho' the Levites were seldom above the thirtieth part of the Nation, yet they were one of the Twelve Tribes; And so had Right to a twelfth part of the Land according to Geometrical Proportion, if they had not been otherways provided. Which is all that my Assertion amounts to.

Pag. 90. The Observator cannot endure me for terming the Emperor *Charles* the Great's

(a) Pag. 68. (b) pag. 70. (c) pag. 73. (d) pag. 74. Capitulars,

Capitulars, the Imperials of the old French Empire ; As if that Denomination were only Competent to the Roman Law : Which is downright to assert that the *Corpus Juris Civilis*, and the Imperials of the old French Empire are Synonomous Terms ; A Crotchet equally absurd as to say *Rome* and *Paris* are one City.

Pag. 39. The Observator calls my Arguments a Fools Coat, whereof the Reason appears from pag. 4. and 22. to be, because he perceives something like True Blue in them, and is under a prevalent Repugnancy and Antipathy to that Colour. But if I be True Blue, this Pamphlet makes him truly Black ; For the unjust ill Natur'd Innuendo's and Reflections therein against our first Reformers (a), General Assemblies (b), the Bishop of *Sarum* (c) and Presbyterians ; And the needless bringing of dissenting Protestants upon the Stage, to act a ridiculous Figure (d) ; The favourable accounts of Popery (e), Popes Bulls (f), a Monastick Life, and the *Aureola Virginitatis* (g) ; Discover, in spite of the Reformed Bishop, that my formidable Antagonist, if he be not a Masquerade Jesuit, has at least a warmer side to *Rome*, than to the Protestant Religion. For tho' he calls the Pope the *Apocalyptick Beast*, speaks of the Mark of the Beast upon Popish Devotion (h) ; And Praises God for the Pope's being out of Doors

(a) Pag. 14, 15. (b) pag. 7. (c) pag. 51, 52. (d) pag. 63. & seqq. to the 87. (e) pag. 5. (f) pag. 33. (g) pag. 18. & seqq. to the 25. (h) pag. 5.

among us (a): He may be yet a Hearty Roman Catholick; especially considering that this Moderat Son of the Church of England in a flaunting Sermon to the Clergy of Aberdeen (b) Declared sincerely, as if he had been in the agony of Death (if we may believe himself) that he would as soon acknowledge the Conventicle at Trent to have been a true General Council, as those at Edinburgh, 1690, and 1692, to have been true National Synods. For to look sometimes one way, and row another, is a Quality consistent with a Popish Perswasion; And I have heard of a common Strumpet that was always found exclaiming against the impudence of Women.

Thus I have endeavoured, against my Inclination; to give some Answer to an old Touchy Fool, in his Folly upon the Subject of Antidecimation, and Jure-Divinity of Tithes: But am so far from offering to take a bite of his Bannock, or from grudging his privat Interest in the Tithes of Banbrie (which is the Spring of his Firey Indignation and Resentment) that for me he shall have leave to carry his pretensions as far as the Mad Parson in the Play, to whom the Tithe of Lice, and the Tithe-Hole of a pair of Stocks were offered. And who knows what Extravagant length one may go, who is already not very Solid.

P. 95. The Observator introduces a Club of Wit-carriers, or *Virtuosi* as he calls them,

(a) Pag. 91. (b) April 12, 1692.

passing their Verdicts upon me at Random. Whereof I take no further notice, than that they all seem to be of the same Kidney with himself: That is, too profuse of their little Stock of Wit, and such as give a loose to their Mirth without the bounds of Decency. I am not unsensible of my own Weakness, and confess I have more Faults than they know to upbraid me with. Nor perhaps would it be any Disadvantage to the Observator, that others were more, and he less conceited of his Abilities. But at the same time, as inconsiderable as I am, I can say, I never disclaim'd any thing I Writ. Tho' the Observator knows a certain Man recanted meanly, what he boastingly Published.

Pag. 97. The Observator says, that Bishops Tacks extended to eighteen Years *Simpliciter*. If he Consult the Act of Parliament (a), he will find that Bishops and other Prelats were allowed to set nineteen Years Tacks.

Ibid. He (who once Celebrated the Funeral of a beloved Horse) tells, that his first Design was to have given his Sentiments at large concerning the Tragical Subject of the Interment of Church Mens Tithes: But having run himself out of Breath, he determin'd to be very Brief. I shall only say, that some Pamphleters may as well spare to interpose their own Judgments in matters they are Ignorant of, as Historians in point of History, (b). And no doubt the World will be at as

(a) Act 4. Par. 22. 3. 6. (b) *vid.* pag. 96.

great a loss for want of our Observators extended Sentiments, as they will find Benefit by the Abridgement of his Thoughts. Whereof one is, *That I mistake in asserting that Viccarage or small Tithes may be valued, whereas the Act of Parliament declares them Unvaluable if in Possession of a Vicar.* What Act this is he thinks not fit to tell; But I must tell him that by the Act 30. Sess. 2. *Parl. W. and M.* all Teinds greater or small, Parsonage or Viccarage, whether in use to be drawn by Titulars, Tacksmen, Ministers or any others are Valuable. Therefore he must either own himself to have pronounced rashly without Reading that Act of Parliament, or disown the Authority of it, as being an Act since the Revolution; Especially seeing he offers to vouch his Opinion by the instance of a Reduction of a Valuation of Viccarage Tiends before the Revolution. Hence it appears that this Poetical Divine, blunders as unluckily in matters of Law, as he thinks some Lawyers do in Divinity.

Pag. 99. The Observator asserts without Book, *That by the Act of Surrenders great Tiends in the Possession of Ecclesiasticks might have been Valued:* For the Act of Parliament (a) excepts from Valuation all Tiends in their Possession.

Ibid. He alledges, *That, by the said Act of Surrenders, the Fifth Part of the Real Rent is*

(a) Act 17. Par. 1633. *join'd* the Submission of the Clergy, and the Kings Decree Arbitral thereon.

payable to the Titular of the great Tiend, without consideration of the Vicarage. And all his Reason is, because the Titular of the Parsonage when he gets the whole 5th has not the adequate Value of the tenth Sheaf. But the Act contains no such thing; and is so far from appointing the fifth part of the real Rent to be the value of Parsonage Tiend; that it ordains Parsonage and Vicarage when different Benefices, to be distinctly valued. And the Observer needs not to think strange that the legal Value of Tiends Incorporat with the Stock according to the proportion of a fifth of the real Rent, is within the true worth of the drawn Tiend: Since thereby an ease was designed to Heretors; as they get the Kings ease of a fifth part of the true Rent of Tiends separatly set from the Stock.

I hate to Travel any longer on such nasty Ground, since it appears that the Observer hath not only run himself out of Breath, as he declares (a), but out of all Sense and good Manners, if he ever had any. And by this time, I hope, the Reader may be sensible that the *Charitable Observations on a late Treatise of Church-Lands and Tithes*, &c. are a confused Rhapsody of gross Misrepresentations and Calumnies, Ignorant, Bigot and precarious Assertions, and sulkom Banter below Merry Andrew's Standart; agreeably blended with homely and trivial Proverbs, egregiously impertinent, and ridiculously Affected Poetical Allusions and Sentences, Tales of a Tub,

Dreams and wild Notions: That is in a word set off with all the gaudy Flowers and Ornaments of Licentious Pedantry, Stuff, and Cant, requisite to the Composition of a stiff and formal Scurrilous Pamphlet.

A Pragmatical Smatterer in Letters having Written some useless snarling Notes upon the Errors of several Authors, in order to Expose them to ridicule, was ordered by his *Mecenas* to pick out all the Chaff of four Bushels of the best Wheat, and put it in a Bag, and Sell the same to the best Advantage for his own behoof, 'cause Trash in a Bag might satisfy for Trash in a Book. What reward then may one expect, who has not the Judgment to distinguish Chaff from Corn, and pollutes every Book he Writes upon with his own Nauseous Additions? I mean the Author of some Observations upon the Fables of *Aesop* as Commented on by S. R. *L'Estrange*, and some Charitable Observations on my Book. Which being Choked with the Heterogeneous Weeds of History and Divinity (a), Canon Law (b), Civil Law (c), and Scots Law (d), Logick (e), Physick (f), Astrology (g), Poetry (h), Agriculture (i), and Arithmetick (k): Deserve (if I may freely give my Verdict of his Performances, as he hath done of mine) a little Room in the blind corner of some Booksellers Shop, where they should ly *in retentio*

(a) *Partout*. (b) Pag. 3. 6, 90, 91. (c) pag. 36, 90, 94. (d) pag. 11, 25, 97, 98, 99. (e) pag. 63. (f) pag. 26, 54, 101. (g) pag. 75, 76. (h) *Partout*. (i) pag. 99, 102. (k) pag. 99.

an useless Drug for some Years; and then brought forth either to be Vended by Weight, to Tobacconists, or put in shaving Barrels, or applied to serve Kitchin-Exigences, or posterior uses. As for the Author himself, If *Thomas Aquinas* observe right, that he in Polemicks is the dangerous Man that reads but one Book; Our Observator is no Tremendous Adversary, for his having read too many. I may first apply to this Dogmatical Blunder-Buss, that of the Poet; (a)

Grammaticus Rhetor, Geometres, Pictor, Aliptes, Augur, chænobates, Medicus, Magus, omnia novit Græculus Esuriens, in Cælum, jussus, ibit;

And then rank him among those pitiful Artists, whom (as *Paulus Jovius* relates) Pope Leo 10, took a particular pleasure to amuse with the Belief of their Excelling all others in their respective Professions. The mighty Noise he hath made in the Church of Scotland, would make such as are Strangers to his empty Weakness apprehend, that, in writing of his Books, he hath either followed the Politick of *Alcibiades*, who dock't the Tail of his Dog close to the Rump, that the *Athenians* having occasion to talk of him for such an Act of Levity, might be diverted from prying into his serious Affairs: Or designed in Imitation of *Rabelais*, to set up for Curing the Spleen by Fleering Buffoonry (b), Playing upon Words (c), Casting of Horoscopes, (d) Pythagorizing, (e) and spending of Censures with his *Virtuosi* (f). But to oblige him, I shall

(a) *Juvenal Satyr. 3.* (b) *Partout.* (c) *Pag. 1, 16, 24, 60, 103, 104.* (d) *Pag. 75.* (e) *Pag. 96.* (f) *Pag. 95, 96.*

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sum up his Character in his own Words; It is but *Magni Nominis Umbra, Nomen sine Re* (a) *Nimis curiosus in aliena Republica*, and deserves to be ranked *inter Homines male feriatos*. (b)

This Malecontent of a Parson assumes the Title of a Son of the Church of *England*, (c) because he was not made a Father of the Church of *Scotland*; And so is deprived of an Opportunity to perform some Vows long since made by him in his Impatient Expectation-State. (d) Or perhaps for the like Reason, that a Gentleman of Youthful Inclinations covered himself, to a Girl he had Kissed, with the Name of an Old Grave Man, viz. To expose the Character to Ridicule. Unless we have so much Charity for a Charitable Observer, as to think, that he, poor Innocent, intended no less Compliment to the Church of *England*, by ascribing his Mercurial Production (that are so mighty in his own Esteem) to a Son thereof, than the *Italian* Painters do to their Mistresses, by drawing the Blessed Virgin according to their Features.

It may not be improper, as a Parting Blow, to put the Masquerade Observer in Mind of a *Latin* Sentence *Nuge in Ore Sacerdotis, Blasphemie*. And in Requit for his Charitable Observations, to leave with him, to Cherish his Cud on, this Charitable Advice; That he appear no more in Print, but content himself, as formerly, to shew his Parts and Learning to such as come to Visit him, by Retailing at Home, over a Bottle of Ale, some Stale Jest or Second Hand Stories: For *Litera Scripta manet*, and may come to be Examined by those who will not take things implicitly upon his Naked Assertion.

(a) Pag. 103. (b) Pag. 104. (c) Tit. Pag. (d) He Vowed, when he should be made a Bishop, to have always but one Dish of Meat at his Table; And so give so much to the Poor, &c.